

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

BENJAMIN OROZCO,
Plaintiffs,

V.

CRAIG PLACKIS

Defendant.

§
§
§
§
§
§
§
§
§
§

A-11-CV-703 ML

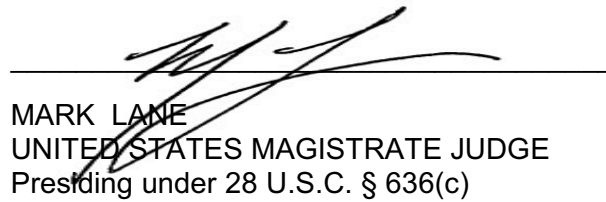
ORDER

Before the Court is Plaintiff's Motion for Supplemental Attorney's Fees, filed June 27, 2013 (Clerk's Dkt. #159). The Court previously entered judgment in this case in favor of Plaintiff on his claim under the Fair Labor Standards Act ("FLSA"). By prior order, the Court granted Plaintiff's motion for an award of fees and costs incurred in the litigation of this matter. See 29 U.S.C. § 216(b) (court in FLSA action shall, in addition to any judgment awarded to plaintiff, allow reasonable attorney's fee to be paid by defendant); *Gagnon v. United Technisource, Inc.*, 607 F.3d 1036, 1043-44 (5th Cir. 2010) (FLSA provides that reasonable attorney's fees and costs are penalties that shall be awarded to the employee); *Graham v. Henegar*, 640 F.2d 732, 736 n.8 (5th Cir. 1981) (award of attorney's fees to prevailing plaintiff in FLSA suit is mandatory).

Plaintiff has now requested a supplemental award of fees incurred in this litigation in opposing Defendant's post-trial attacks on the verdict in this case and Plaintiff's prior request for fees. Under the Local Rules, if a litigant opposes a motion, the response must be filed not later than fourteen days after the filing of the motion. Local Court Rules Rule CV-7(e)(2). The Local Rules further provide if there is no response filed within that time period, "the court may grant the motion as unopposed." *Id.* Well more than fourteen days have passed since the date of the filing of the motion, yet no response from Defendant has been received. The Court, therefore, concludes there is no opposition to the relief sought by way of this motion.

Accordingly, the Court hereby **GRANTS** Plaintiff's Motion for Supplemental Attorney's Fees (Clerk's Dkt. #159) and **ORDERS** the Defendant to pay supplemental legal fees in the amount of \$11,460.00. A separate judgment for this amount will be entered.

SIGNED on August 2, 2013.



MARK LANE
UNITED STATES MAGISTRATE JUDGE
Presiding under 28 U.S.C. § 636(c)